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Grocers Charge Discrimination In Lower 'Drive-In' Milk Rate

By VINCENT THOMAS
Assemblyman, 68th District

All California consumers have a very considerable stake in the outcome of any legislative activity which may result from a series of recent hearings by one of our interim groups. The Assembly committee on livestock and dairies held three planned hearings on the prices which consumers are charged for milk. Some very interesting information was submitted to the committee, and it seems quite likely that the matter may be brought before our full legislature in the 1961 Session.

Spokesmen for organized grocers who appeared leveled charges of discrimination against our state department of agriculture because it has granted a lower consumer milk price to "drive-in" outlets than it has permitted grocers themselves to charge. Under our state milk control act, the department of agriculture, through its bureau of milk control, fixes the price at which milk must be sold at retail. Originally, only dairies which sold milk direct to consumers from the farms on which processing equipment was located were permitted to charge two cents per quart less, because of asserted lower handling costs. But recently the differential has also been extended to cash-and-carry "drive-ins".

THE GROCERS maintain that the bureau of milk control should not allow one type of retail store to undersell another for such an essential food as milk. They stated that the thousands of grocers throughout the state must compete with this price differential at a severe disadvantage.

Though legislation relating to this problem was considered at both our 1957 and 1959 sessions, none was passed. The bills introduced at our last session were, however, referred to the livestock and dairies committee for interim study. Meanwhile, the grocers contend, the "drive-ins" continue to grow in number, and their percentage of the total volume at and even faster rate.

SPOKESMEN for the grocers told the committee that their group certainly does not want to raise the retail price of milk to consumers. Instead, they said, they merely want the right to meet a legal competitive price as permitted by our California Unfair Practices Act, which applies to commodities generally.

At present, it was said, consumers are forced by the price regulations of the bureau of milk control to pay more for milk at a grocery than at a drive-in. The bureau's determination to allow drive-ins to sell milk below the established minimum retail story carry-out price fosters unfair competition and discrimination, it was contended.

IT WAS claimed that to permit the present situation to continue would put the orderly marketing of milk in jeopardy, thus affecting the consumer still more. The whole future of the milk control act could very well hang in the balance, it was said.

The committee was told that the primary purpose of the act is to create uniformity of price, and thus assure consumers of a continuous and wholesome milk supply. But it was maintained that when this purpose is limited by the administrative agency as in this case the fundamental aim of the law is defeated.

THE GROCERY spokesmen said that none of the milk price measures introduced at the 1959 session was intended to raise milk prices to consumers, or to drive anyone out of business. But both opponents and supporters of price differentials agree that they greatly increase the volume of the milk drive-ins. Therefore, to grant differentials by government regulation is discriminatory, it was maintained.

Other organizations, representing dairy producers, manufacturers, and distributors also testified at the hearings.

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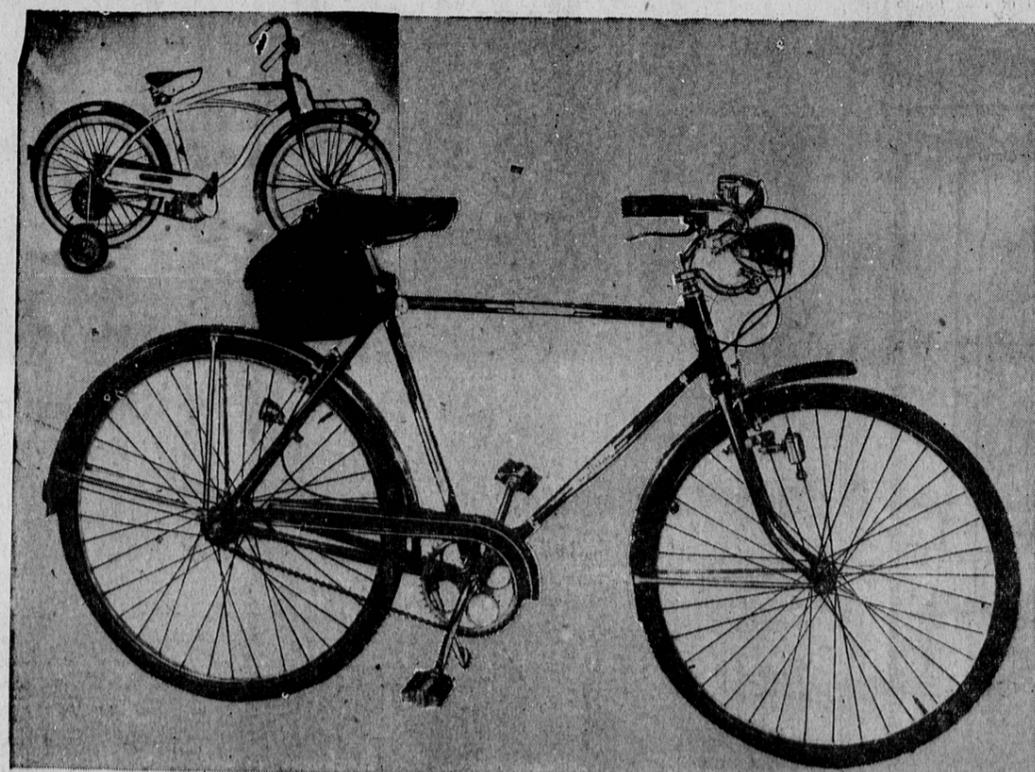
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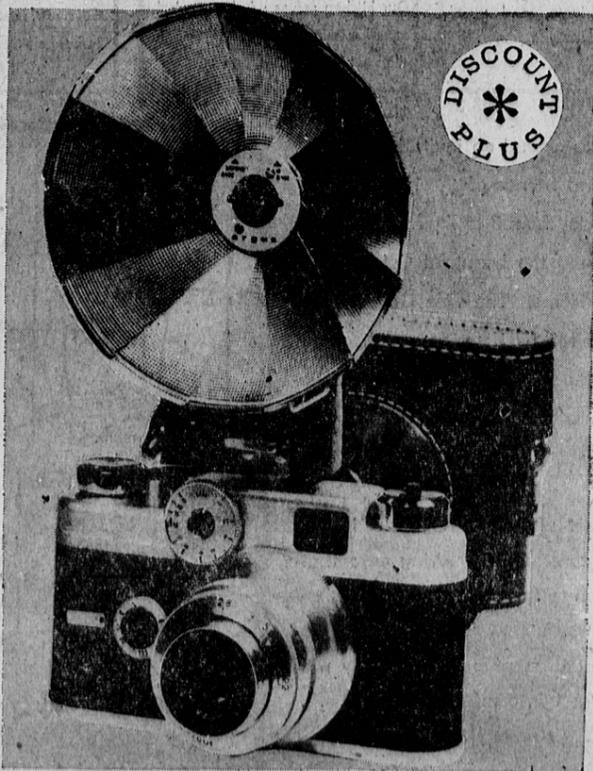
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